

1 THE HONORABLE JAMES L. ROBART
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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 KRISTEN REETZ,) Case No. 2:17-cv-00084-JLR
11 v.) JOINT STIPULATED MOTION TO
12 HARTFORD LIFE AND ACCIDENT) SEAL ADMINISTRATIVE RECORD
13 INSURANCE COMPANY,) NOTED ON MOTION CALENDAR:
14 Defendant.) September 22, 2017

15 Pursuant to Federal Rule of Civil Procedure 5.2(e) and Local Civil Rule 5(g), Plaintiff
16 Kristen Reetz and Defendant Hartford Life and Accident Insurance Company hereby stipulate
17 and respectfully ask the Court to authorize the administrative record to be maintained under seal
18 to protect Ms. Reetz's privacy interests and sensitive medical information contained in the record.

19 **I. BACKGROUND & ARGUMENT**

20 In this ERISA case, Ms. Reetz seeks long-term disability benefits under a group insurance
21 policy. The underlying administrative record in this ERISA case over 1,500 pages, and contains
22 extensive medical records and discussion of Ms. Reetz's medical conditions.

23 The Western District holds that—although Local Rule 5(g) establishes a “strong
24 presumption in favor of public access to the Court’s files” and the Ninth Circuit recognizes a
25 “strong presumption of public access to documents attached to dispositive motions”—the “need
26 to protect medical privacy qualifies in general as a ‘compelling reason’” to protect medical
27 records and to file them under seal. *Karpenski v. Am. Gen. Life Companies, LLC*, 2013 WL

JOINT STIPULATED MOTION TO SEAL ADMINISTRATIVE RECORD
(2:17-CV-00084-JLR) - 1

LANE POWELL PC
1420 FIFTH AVENUE, SUITE 4200
P.O. BOX 91302
SEATTLE, WA 98111-9402
206.223.7000 FAX: 206.223.7107

1 5588312, at *1 (W.D. Wash. Oct. 9, 2013) (quoting LCR 5(g) and *Kamakana v. City and County*
2 *of Honolulu*, 447 F.3d 1172, 1179 (9th Cir. 2006)). In *Karpenski*, Chief Judge Martinez
3 determined the need to protect medical privacy qualifies as a “compelling reason” to grant a
4 motion to seal even under the heightened “compelling reasons” standard applicable in the context
5 of summary judgment motions. *Id.* *Karpenski* recognized that even if a plaintiff has put her
6 health at issue in a lawsuit, she nonetheless remains entitled to the court’s protection of sensitive
7 medical information. *Id.*; *see also Macon v. United Parcel Serv., Inc.*, 2013 WL 951013, at *5
8 (W.D. Wash. Mar. 12, 2013) (granting unopposed motion to seal medical records even where
9 plaintiff failed to comply with LCR 5(g) given the “private nature of the documents at issue”).
10 This approach has been followed by district courts throughout the Ninth Circuit. *See, e.g., G. v.*
11 *Hawaii*, 2010 WL 2607483 (D. Haw. 2010) (granting motion to seal, explaining that “[t]he need
12 to protect medical privacy qualifies as a ‘compelling reason.’”); *Lombardi v. TriWest Healthcare*
13 *Alliance Corp.*, 2009 WL 1212170, at *1 (D. Ariz. 2009) (granting motion to seal documents that
14 “contain sensitive personal and medical information”); *see also Skinner v. Ashan*, 2007 WL
15 708972, *2 (D.N.J. Mar. 2, 2007) (observing that medical records “have long been recognized as
16 confidential in nature”).

17 In this case, compelling reasons to grant this joint motion to seal exist because the
18 administrative record contains extensive private medical records and discussion of Ms. Reetz’s
19 private medical information. The parties have met and conferred in good faith about the privacy
20 interests at issue, and they agree that sealing the administrative record is appropriate since
21 redaction is not a reasonably feasible alternative due to the high volume of medical records and
22 medical information contained throughout the record. Hartford anticipates citing to the
23 administrative record when it responds to Ms. Reetz’s motion to supplement the administrative
24 record (Dkt. 14), and the parties will also rely on the administrative record in connection with
25 any cross-motions to resolve this case.

26 **II. CONCLUSION**

27 In light of the foregoing, the parties jointly ask the Court to grant this stipulated joint
JOINT STIPULATED MOTION TO SEAL ADMINISTRATIVE RECORD
(2:17-CV-00084-JLR) - 2

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1420 FIFTH AVENUE, SUITE 4200
P.O. BOX 91302
SEATTLE, WA 98111-9402
206.223.7000 FAX: 206.223.7107

1 motion to seal and permit the administrative record to be maintained under seal in this case.

2 DATED: September 25, 2017

3 LAW OFFICES OF MEL CRAWFORD

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5 By s/ Mel Crawford (per e-mail authority)
6 Mel Crawford, WSBA No. 22930
melcrawford@melcrawfordlaw.com

7 Attorneys for Plaintiff Kristen Reetz

8

9 LANE POWELL PC

10

11 By s/ Stephania Denton
12 D. Michael Reilly, WSBA No. 14674
reillym@lanepowell.com
13 Stephania Denton, WSBA No. 21920
dentons@lanepowell.com

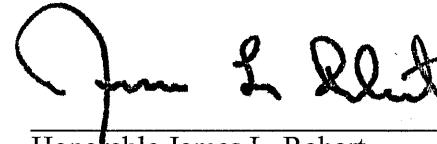
14 Attorneys for Defendant Hartford Life and
15 Accident Insurance Company

16 **ORDER**

17 IT IS SO ORDERED. The Court GRANTS the parties' joint stipulated motion to seal
18 the administrative record and ORDERS that the administrative record may be filed and/or
19 maintained under seal in this case.

20 DATED this 25th day of September, 2017.

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24 Honorable James L. Robart
25 United State District Court Judge

CERTIFICATE OF SERVICE

Pursuant to RCW 9A.72.085, the undersigned certifies under penalty of perjury under the laws of the State of Washington, that on the date listed below, the document attached hereto was presented to the Clerk of the Court for filing and uploading to the CM/ECF system. In accordance with their ECF registration agreement and the Court's rules, the Clerk of the Court will send e-mail notification of such filing to the following persons:

Melton L. Crawford
The Law Office of Mel Crawford
9425 35th Ave. N.E., Suite C
Seattle, WA 98115
melcrawford@melcrawfordlaw.com

Jeffrey Cowan
Law Office of Jeffrey Cowan
1001 Fourth Avenue, Suite 3200
Seattle, WA 98154
1bosun@comcast.net

Executed on the 22nd day of September, 2017, at Seattle, Washington.

s/ Lorrie Salinas
Lorrie Salinas, Legal Assistant